



Entered on Docket
August 24, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Tapia Ranch Loan, Except for Proof
of Claim of Arthur I. Kriss and Notice of
Continued Hearing re Arthur I. Kriss Only**

Hearing Date: July 26, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Tapia Ranch Loan." ("Tapia Ranch Loan") [DE 8523] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; the Court having considered the response filed by Arthur I. Kriss [DE 8610], no other responses to

1 the Objection having been filed, the Court noting on the record that the disallowance of
2 the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the
3 borrower or from the collateral securing the Tapia Ranch Loan; and good cause appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8523] is sustained; and
- 6 2. The claims listed on **Exhibit A** attached, except for proof of Claim 10725-
7 01876, filed by Arthur I Kriss, are disallowed in full because those claims are based
8 entirely upon an investment in the Tapia Ranch Loan.
- 9 3. A continued hearing will be held on August 30, 2011 at 10:30 a.m. on the
10 proof of claim of Arthur I Kriss, Claim 10725-01876, [DE 8747] and Notice is hereby
11 given.

12
13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15
16 By /s/ John Hinderaker
17 Robert M. Charles, Jr.
18 John Hinderaker (*pro hac vice*)
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21 *Attorneys for USACM Liquidating Trust*
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Arthur Irvin Kriss

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Arthur I. Kriss</u>	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
Tapia Ranch
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Tapia Ranch (Castiac Partners, LLC) Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Tapia Ranch (Castiac Partners, LLC) Loan
10725-01131	11/8/2006	James L Schulte & Cynthia L Schulte	162 Obed Point Crossville, TN 38571	50,000.00	50,000.00
10725-01876	1/8/2007	Kriss, Arthur I	2398 West 1050 N Hurricane, UT 84737	50,000.00	50,000.00
10725-01522	11/29/2006	Lily Markham & Irene Anne Markham-Tafoya JT WROS	7746 Fore dawn Dr Las Vegas, NV 89123-0756	50,000.00	50,000.00
10725-01136	11/9/2006	Patricia Lee Tiede	5225 Pooks Hill Road 1520 North Bethesda, MD 20814	50,000.00	50,000.00
10725-00634	10/19/2006	Polacheck Jeweler'S Employee Psp	Stephen Polacheck Trustee 4719 Commons Way Ste E Calabasas, CA 91302	110,000.00	110,000.00
10725-01750	12/26/2006	Rocklin/Redding LLC	Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno, NV 89509	800,000.00	800,000.00
10725-00966	11/2/2006	Sparks Family Trust Dtd 2/26/93	C/O Michael R & Muriel S Sparks Co-Ttes 1812 Cypress Greens Ave Henderson, NV 89012-6143	50,000.00	50,000.00
10725-00776	10/27/2006	Young, Percy	1814 W Olney Ave Phoenix, AZ 85041-8617	90,000.00	90,000.00
10725-00775	10/27/2006	Young, Percy & Ruth	1814 W Olney Ave Phoenix, AZ 85041-8617	90,000.00	90,000.00

EXHIBIT A

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